IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 8435 of 2006(D)

I.A.887 & 888/02 IN OS.216/1995 of SUB COURT, PATHANAMTHITTA

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PETITIONER:

K.O. GEORGE,
ANUGRAHA NO.I, III MAIN ROAD, ANNAJI NAGAR,
K.K. NAGAR, CHENNAI-600 078.

BY ADV. SRI.V.GIRI

RESPONDENTS:

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1. K.M. VARGHESE,
NO.18, RATHINASABHAPATHI STREET, OLD WASHERMANPET,
CHENNAI-600 021.

2. K.M. SKARIAH @ MAJOR K. MATHEWS,
ANUGRAHA, NO.1, 3RD MAIN ROAD, ANJALI NAGAR,
K.K. NAGAR (WEST), CHENNAI-600 078.

3. K.M. SAMUEL,
NO.5 A NETAJI NAGAR, 5TH CROSS STREET,
THIRUVATHIYOOR, CHENNAI-600 019.

4. O.M. JOSEPH,
NO.14, 12TH STREET, MANGANELLOOR, CHENNAI-600 064.

5. K.M. ANNAMMA @ ANNAMMA PRASAD,
UPASANA, THADAMPATTU THAZHAM, KARAMPARAMPU P.O.,
KOZHIKODE.

6. K.O. MATHEW,
OTTAPLAVUNILKUNNATHIL, MALAKARA, ARANMULA.

7. K.O. DANIEL,
OTTAPLACKAL SNEHA BHAVAN, PAKKIL P.O., KOTTAYAM.

R1 BY ADV. SRI.M.NARENDRA KUMAR
R2 BY MAJOR MATHEWS (PARTY-IN-PERSON)

WPC.8435/06

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.8435/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF PLAINT IN O.S.216/95 OF SUB COURT, PATHANAMTHITTA.

EXT.P2 – TRUE COPY OF APPLICATION I.A.887/02

EXT.P3 – TRUE COPY OF APPLICATION I.A.888/02

EXT.P4 – TRUE COPY OF PETITION I.A.903/02

EXT.P5 – TRUE COPY OF ORDER IN I.A.903/02

EXT.P6 – TRUE COPY OF COMMON ORDER IN I.A.887 & 888/02 IN O.S.216/95 DT.18.2.02.

EXT.P7 – TRUE COPY OF JUDGMENT IN O.S.216/95 OF SUB COURT, PATHANAMTHITTA DT.18.2.02.

EXT.P7(A) – TRUE COPY OF DECREE IN OS.216/95 DT.18.2.02

EXT.P8 – TRUE COPY OF APPEAL MEMORANDUM IN AS.100/03

EXT.P9 – TRUE COPY OF JUDGMENT DT.2.11.05 IN A.S.100/03.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.8435 OF 2006

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DATED THIS THE 17th JULY, 2007

J U D G M E N T

It is fairly conceded before me that Ext.P6 is an order passed by the learned Subordinate Judge under Order IX Rule 8 of the Code of Civil Procedure. The petitioner is yet to avail the remedy provided to him under the Code itself. Giving liberty to the petitioner to file an application for restoration under Order IX Rule 9 C.P.C., this Writ Petition will stand disposed of without deciding on the merits of the various grounds raised.

(PIUS C.KURIAKOSE, JUDGE)

tgl